

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-V-

MIGUEL DIAZ,

Defendant.

23-CR-576 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Sentencing in this case is scheduled for tomorrow, April 1, 2025. The parties dispute the application of the Guidelines and, in particular, whether Section 2A1.1 of the Guidelines is applicable to this case through Section 2X1.1. The defense argues that Mr. Diaz did not attempt to commit first degree murder because he shot the victim in the arm and walked away. The parties shall be prepared to address whether, if the defense's version of the facts is accepted, Section 2A2.2 of the Guidelines is applied through Section 2X1.1, with the result that the offense level is 22 before the 3 point adjustment for acceptance of responsibility and the Guidelines range is 57-71 months after the application of the 3 point adjustment.

SO ORDERED.

Dated: March 31, 2025  
New York, New York

L. P. Kim

LEWIS J. LIMAN  
United States District Judge